
OLR Bill Analysis

HB 5147

AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW BY NOTARIES PUBLIC.

SUMMARY:

This bill prohibits a notary public from offering or providing legal advice in immigration matters, or representing someone in immigration proceedings, unless the notary public is (1) an attorney admitted to the Connecticut bar or (2) authorized by federal regulations to practice immigration law or represent people in immigration proceedings (see BACKGROUND). The bill also prohibits a notary public who is not an attorney admitted to the Connecticut bar from assuming, using, or advertising the title of notario or notario publico (see BACKGROUND). The law already generally prohibits the practice of law by people who are not admitted to the state bar.

Under the bill, any notary public who violates its provisions is deemed to have violated the current prohibition on the unauthorized practice of law, and is subject to the fine or imprisonment that applies to unauthorized practice.

By law, someone who commits the unauthorized practice of law is subject to a fine of up to \$250, up to two months' imprisonment, or both. These penalties do not apply to someone who (1) is an admitted member in good standing of the bar of another state or other specified jurisdictions and (2) within the scope of his or her employment, gives legal advice to his or her employer or its corporate affiliate.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Related Federal Regulations

Federal regulations allow non-profit religious, charitable, social

service, or similar organizations established in the United States and recognized as such by the Board of Immigration Appeals to designate one or more representatives to represent people in immigration matters. The organization must establish to the board's satisfaction that it (1) makes only nominal charges and does not assess excessive membership dues for people it assists and (2) has at its disposal adequate knowledge, information, and experience. Regulations specify how organizations may apply for such recognition; how the board may withdraw recognition; how recognized organizations may apply for accreditation of persons of good moral character as their representatives; and related matters (8 C.F.R. § 292.2).

Notario Publico

In many Spanish-speaking countries, a "notario publico" is authorized to perform certain services that in the United States are reserved to lawyers (Office of the Connecticut Secretary of the State, Notary Public Manual, pg. 14).

Related Bill

HB 5145, reported favorably by the Judiciary committee on March 26, 2012, makes the unauthorized practice of law a class C misdemeanor, punishable by up to two months' imprisonment, up to a \$500 fine, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/02/2012)